IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.445 OF 2003
IN
CRIMINAL APPEAL NO.123 OF 2003

Dnyaneshwar Sakharam Bhoir & ors. .. Applicants.

v/s.

The State of Maharashtra .. Respondent.

Mr.P.R.Arjunwadkar for applicants.

Smt.V.R.Bhonsale, Additional Public Prosecutor for the State.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 17th February, 2005

P.C.

Heard.

2. Though this criminal application is on behalf of four accused persons, the learned counsel for the applicant submitted that in so far as applicants Nos.2 to 4 are concerned they are already on bail and therefore, the bail application is confined to the applicant No.1.

3. The applicant No.1 (original accused No.1) is the husband of the deceased. Though there is no direct evidence, the prosecution has been able to prove the circumstances to bring home the guilt of the accused for having committed murder of his wife. From the prosecution evidence it transpires that

there were bleeding injuries on the palms of the deceased. These injuries were irregular abrasions and ante-mortem. The cut glass was also recovered from the place of incident and the C.A. report indicates the presence of blood stains on the cut glass. One sandow banian was also recovered from the place of incident. The said sandow banian too was found to have blood stains. There is also injury on neck of the deceased. The circumstantial evidence, prima facie, rules out the suicidal death of the deceased. If it was suicidal death, there could not have been bleeding injuries on the palms of the deceased and cut glass and sandow banian with blood stains could not have been there. The accused has not disputed that he and the deceased were living in the room where the death occurred.

4. We, therefore, do not find this case fit for grant of bail to applicant No.1. The bail application with regard to applicant Nos.2 to 4 is already infructuous.

5. Bail application is, accordingly, dismissed.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)